

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

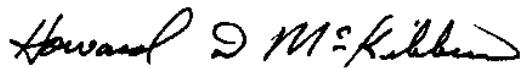
13 UNITED STATES OF AMERICA,) 3:00-cr-00058-HDM-RAM
14 Plaintiff,)
15 vs.) ORDER
16 ROBERTO CARLOS RANGEL,)
17 Defendant.)

The defendant has filed a motion pursuant to 18 U.S.C. § 3582(c)(2) (#258). Section 3582(c)(2) allows the court to reduce a defendant's term of imprisonment where the defendant "has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission." However, defendant's sentencing range has not been altered by the Sentencing Commission since the time he was sentenced, nor has he argued as much. Rather, in substance, defendant's motion appears to be a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. Defendant is therefore ordered to advise the

1 court on or before April 14, 2014, whether the court should
2 construe his motion as a motion pursuant to 28 U.S.C. § 2255.
3 Defendant is advised that once he has filed one § 2255 motion,
4 second or successive § 2255 motions are permitted only with the
5 permission of the Court of Appeals. See 28 U.S.C. § 2255(h).

6 IT IS SO ORDERED.

7 DATED: This 12th day of March, 2014.

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10 UNITED STATES DISTRICT JUDGE
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